

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**JOHN W. HOWARD  
and  
CARRIE HOWARD**

\*

\*

**Plaintiffs**

\*

**v.**

\*

**Civil Action No. JFM03CV421**

**McCORMICK ASBESTOS CO., et al.,**

\*

**Defendants**

\*

\* \* \* \* \*

**CERTIFICATION OF FILING OF STATE COURT PAPERS**

Defendant Hopeman Brothers, Inc. ("Hopeman"), by its attorneys, files this Certification of Filing of State Court Papers pursuant to Rule 103.5.a of the Rules of the United States District Court for the District of Maryland and states as follows:

1. On February 24, 2003, Defendant's counsel reviewed a copy of the electronic docket entries for Howard, et al. v. McCormick Asbestos Co., et al., which was pending in the Circuit Court for Baltimore City, Maryland as Case Number 24X02002602. A copy of the print-out of the "Documents Filed by Case" report from CourtLink copied on February 24, 2003 is attached hereto as Exhibit A.

1. Upon review of the docket entries, it appeared that the following documents had been filed in the Circuit Court for Baltimore City.

- (1) Short Form Asbestos Complaint filed January 17, 2003;
- (2) Plaintiff John W. Howard Summonses and Medical Records filed January 17, 2003;
- (3) Hopeman Brothers, Inc.'s Notice of Filing of Notice of Removal and exhibits filed February 13, 2003;

- (4) SB Decking, Inc.'s Answer to Short Form Complaint filed February 20, 2003;
- (5) SB Decking, Inc.'s Answer to Cross-Claims of All Co-Defendants filed February 20, 2003;
- (6) SB Decking, Inc.'s Cross-Claims filed February 20, 2003;

3. The Short Form Asbestos Complaint (document 1) filed January 17, 2003 was attached as Exhibit 1 to the Notice of Removal filed with this Court on February 13, 2003.

4. The state court pleadings numbered 2-6 above are attached hereto as Exhibit B.

WHEREFORE, Hopeman Brothers, Inc. hereby certifies that all filings in the Circuit Court for Baltimore City action have been or are herewith filed in the United States District Court for the District of Maryland.

\_\_\_\_\_/s/\_\_\_\_\_  
David W. Allen (#00208)  
Michael A. Pichini (#26342)  
Goodell, DeVries, Leech & Dann, L.L.P.  
One South Street, 20th Floor  
Baltimore, MD 21202  
(410) 783-4000

Attorneys for Defendant, Hopeman Brothers, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of March, 2003, a copy of the foregoing Certification of Filing of State Court Papers, was served by electronic submission via CM/ECF, in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Maryland, to:

Peter T. Nicholl, Esquire  
The Law Offices of Peter T. Nicholl  
36 South Charles Street, Suite 1700  
Baltimore, MD 21201

Geoffrey S. Gavett, Esquire  
Katherine S. Duyer, Esquire  
Shelley L. Bagoly, Esquire  
Gavett and Datt, P.C.  
15850 Crabbs Branch Way, Suite 180  
Rockville, MD 20855

\_\_\_\_\_/s/  
David W. Allen

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**EXHIBIT A**


**Build Reports**Select Report: **Documents By Case****Refresh****Documents Filed By Case Report**

Report Created: Monday, February 24, 2003 1:48:03 PM

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**Court:** Baltimore City Circuit Court **Judge:** Heller, Ellen **eFile Live Date:** 12/2/2002  
**Division:** N/A **Case Number:** 24X02002602 **Documents Filed:** 7  
**Case Type:** Personal Injury-Asbestos **Case Name:** Howard, John W et ux vs McCormick Asbestos Co et al **Date Range:** All

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	<u>Authorized</u>	<u>Date</u>	<u>Authorizing Attorney</u>	<u>Organization</u>	<u>Document Title</u>	<u>Filing Type</u>	<u>Filing Option</u>	<u>Filing ID</u>	<u>Judicial Action</u>	<u>Linked</u>
1/17/2003 11:08:37 AM	William C Burgy	Nicholl, Peter T	Plaintiff John W Howard Short Form Asbestos Complaint Filed Against Defendants McCormick Asbestos Co et al	Complaint (duplicate)	File And Serve	1321523	N/A			
1/17/2003 11:08:37 AM	William C Burgy	Nicholl, Peter T	Plaintiff John W Howard Summons and Medical Records	Summons Issued	File And Serve	1321523	N/A			
2/13/2003 11:04:07 AM	David W Allen	Goodell DeVries Leech & Dann LLP	Hopeman Brothers, Inc.s Notice of Filing of Notice of Removal	Notice	File And Serve	1413119	N/A			
2/13/2003 11:04:07 AM	David W Allen	Goodell DeVries Leech & Dann LLP	Hopeman Brothers, Inc.s Notice of Removal of Civil Action	Exhibits	File And Serve	1413119	N/A			
2/20/2003 1:50:46 PM	Katherine S Duyer	Gavett & Datt PC	SB Decking Inc.s Answer to Short Form Complaint	Answer	File And Serve	1435043	N/A			
2/20/2003 1:50:46 PM	Katherine S Duyer	Gavett & Datt PC	SB Decking Inc.s Answer to Cross-claims of All Co-defendants	Answer to Crossclaim	File And Serve	1435043	N/A			
2/20/2003 1:50:46 PM	Katherine S Duyer	Gavett & Datt PC	SB Decking Inc.s Cross-claims	Crossclaim	File And Serve	1435043	N/A			

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**EXHIBIT B**  
**(state court papers – filed in paper format only)**

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**Plaintiffs**

**v.**

**McCORMICK ASBESTOS CO., et al.,**

**Defendants**

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**Civil Action No. JFM03CV421**

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**NOTICE OF FILING OF LENGTHY EXHIBIT**

Exhibit B, which is an attachment to Hopeman Brothers, Inc.'s Certification of Filing of State Court Papers, exists only in paper format and if scanned will be larger than 1.5 MB. It will be filed with the Clerk's Office in paper format.

I certify that within 24 hours of filing of this Notice, I will file and serve paper copies of the document identified above.

Date: 03/14/03

/s/  
David W. Allen (#00208)  
Goodell, DeVries, Leech & Dann, LLP  
One South Street, 20<sup>th</sup> Floor  
Baltimore, MD 21202  
Phone: (410) 783-4000  
Fax: (410) 783-4040

Attorney for Defendants, HOPEMAN BROTHERS,  
INC.